REMARKS/ARGUMENTS

Claims 1-36 are pending in the present application. In the Office Action mailed October 11, 2005, the Examiner rejected claims 1-3, 10-12, 19-21 and 28-30 under 35 U.S.C. § 103.

Claims 1, 10, 19 and 28 have been amended to recite that "the data manipulation commands are logically structured to implement an input filter, a router, and an output filter." Support for this amendment may be found in Applicants' specification on page 12, line 25 – page 13, line 13 and in Figure 3. Claims 4, 7, 13, 16, 22, 25, 31 and 34 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

A.   Rejection of Claims 1-3, 10-12, 19-21 and 28-30 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-3, 10-12, 19-21 and 28-30 under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,328,211 to Wilz, Sr. et al. (hereinafter, "Wilz") in view of "Early History of Software Engineering" by Robert Glass (hereinafter, "Glass"). This rejection is respectfully traversed.

The M.P.E.P. states that

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.
>
> The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious

in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 1 is directed to a data collection device for reading a machine readable data storage medium comprising data encoded in a readable format. Claim 1 recites:

> a) a medium reading system (21) for detecting a characteristic of the machine readable data storage medium (38) and generating digital data representative of the characteristic;
>
> b) a processor (20) operating an embedded decoder system (76) comprising a decoder module (72) and an interpreter module (84);
>
> i) the decoder module (76) receiving the digital data, determining the data encoded in the machine readable data storage medium, and generating decoded data (134); and
>
> ii) the interpreter module (84) receiving the decoded data (134) and manipulating the decoded data (134) in accordance with the plurality of data manipulation commands defined in a rules file (85) to generate formatted data (136), wherein the data manipulation commands are logically structured to implement an input filter, a router, and an output filter.

Wilz discloses a bar code symbol reading system 1 that comprises symbol decoding means 7 and data format conversion means 8. "[S]ymbol decoding means 7 provides symbol character D_3 to data format means 8 to convert data D_3 into two differently formatted types of symbol character data, namely D_4 and D_5." Wilz, col. 10, lines 7-10. The Examiner appears to assert that the symbol decoding means 7 in Wilz is "the decoder module" recited in claim 1, and that the data format means 8 in Wilz is "the interpreter module" recited in claim 1.

The Examiner correctly points out that Wilz does not teach or suggest that "the interpreter module ... manipulate[es] the decoded data ... in accordance with ... data manipulation commands defined in a rules file," as recited in claim 1. However, the Examiner refers to the programming concepts of "modular programming and data abstraction," as mentioned in the Glass reference. The Examiner asserts that, in view of these programming concepts, "it would have been obvious ... to

separate out conversion rules of Wilz into a separate program because this makes for programming that is easier to understand and also more easily modifiable." Office Action, page 6.

Claim 1 has been amended to recite that "the data manipulation commands are logically structured to implement an input filter, a router, and an output filter." Because Wilz does not teach or suggest a "rules file," Wilz also does not teach or suggest anything about how the "data manipulation commands defined in [the] rules file ... are logically structured," as recited in amended claim 1. Moreover, the general programming concepts of "modular programming and data abstraction" would not suggest to one of ordinary skill in the art that "the data manipulation commands are logically structured to implement an input filter, a router, and an output filter," as recited in amended claim 1.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claims 2-3 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-3 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claim 10 has been amended to recite that "the data manipulation commands are logically structured to implement an input filter, a router, and an output filter." As discussed above, neither Wilz nor Glass teaches or suggests this limitation. Accordingly, Applicants respectfully request that the rejection of claim 10 be withdrawn.

Claims 11-12 depend either directly or indirectly from claim 10. Accordingly, Applicants respectfully request that the rejection of claims 11-12 be withdrawn for at least the same reasons as those presented above in connection with claim 10.

Claim 19 has been amended to recite that "the data manipulation commands are logically structured to implement an input filter, a router, and an output filter." As discussed above, neither Wilz nor Glass teaches or suggests this limitation. Accordingly, Applicants respectfully request that the rejection of claim 19 be withdrawn.

Claims 20-21 depend either directly or indirectly from claim 19. Accordingly, Applicants respectfully request that the rejection of claims 20-21 be withdrawn for at least the same reasons as those presented above in connection with claim 19.

Claim 28 has been amended to recite that "the data manipulation commands are logically structured to implement an input filter, a router, and an output filter." As discussed above, neither Wilz nor Glass teaches or suggests this limitation. Accordingly, Applicants respectfully request that the rejection of claim 28 be withdrawn.

Claims 29-30 depend either directly or indirectly from claim 28. Accordingly, Applicants respectfully request that the rejection of claims 29-30 be withdrawn for at least the same reasons as those presented above in connection with claim 28.
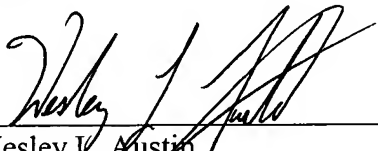

B.   Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 4-9, 13-18, 22-27 and 31-36 contain allowable subject matter. Claims 4, 7, 13, 16, 22, 25, 31 and 34 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5-6 depend from claim 4. Claims 8-9 depend from claim 7. Claims 14-15 depend from claim 13. Claims 17-18 depend from claim 16. Claims 23-24 depend from claim 22. Claims 26-27 depend from claim 25. Claims 32-33 depend from claim 31. Claims 35-36 depend from claim 34.

C.   Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant

Date: January 10, 2006

MADSON & AUSTIN
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700